

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
vs.)
)
JAMES CLARK,)
)
)
 Defendant.)

Case No. 4:13 CR 00146-01 CDP

OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT

COMES NOW Defendant James Clark, and for his Objections to Presentence Investigation Report states to this Court as follows:

1. Defendant objects to paragraph 16 of his Presentence Investigation Report as the agreement Defendant had with co-defendant Britton was for the payment of \$2,000.00 and not cocaine powder.

2. That Defendant objects to the information contained in paragraphs 20 of the Presentence Investigation Report in that Defendant was to receive an amount certain for his participation of \$2,000.00 whether this was equivalent to the value of three kilograms of cocaine was immaterial.

3. Defendant objects to the inclusion of criminal history points attributable to paragraphs 45, 46, 48, 51, 52, 53, 54, 55, 56, and 58 of his Presentence Investigation Report. Defendant believes that the inclusion of points attributable to the moving violations overstates his criminal history and he is thus jeopardized by said inclusion.

4. Defendant objects to paragraph 68 of his Presentence Investigation Report in that Defendant reiterates that he is not nor ever has been a member of any gang and such attribution aligning him with any gang is prejudicial and inaccurate.

Respectfully submitted,

LAMPIN, KELL, FAGRAS, LINSON
BUEHLER & CHANDLER

/s/Michael J. Fagras
Michael J. Fagras, Mo.Bar40842
Attorney for Defendant
5770 Mexico Road, Suite A
St. Peters, Missouri 63376
(636) 498-4000 telephone
(636) 441-0198 facsimile
fagras@fagraslaw.com
Lampinlaw@gmail.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing was electronically filed with the United States District Court and Assistant United States Attorney Tom Rea, 111 South 10th Street, St. Louis, MO 63102, on the 12th day of March, 2014.

/s/Michael J. Fagras